

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERT WILLIAMS,

Plaintiff,

-against-

CITY UNIVERSITY OF NEW YORK,
BROOKLYN COLLEGE,

Defendant.

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BLOOM, United States Magistrate Judge:

On April 29, 2010, plaintiff Robert Williams, appearing *pro se*, filed this action pursuant to Title VI of the Civil Rights Act of 1964. The Court directs plaintiff to file an Amended Request to Proceed *In Forma Pauperis* pursuant to 28 U.S.C. § 1915 within 10 days as set forth below.

In Forma Pauperis Application

Under 28 U.S.C. § 1914, the filing fee to commence a civil action is \$350. Under 28 U.S.C. § 1915, the Court may waive the filing fee upon finding a plaintiff indigent. *Cuoco v. U.S. Bureau of Prisons*, 328 F.Supp.2d 463, 467 (S.D.N.Y. 2004); *Hobbs v. County of Westchester, et al.*, No. 00 Civ. 8170 (JSM), 2002 WL 868269, at *1 (S.D.N.Y. May 3, 2002). Whether plaintiff qualifies for *in forma pauperis* status is within the discretion of the district court. *Choi v. Chemical Bank*, 939 F.Supp. 304, 208-09 (S.D.N.Y. 1996).

Here, plaintiff's Request To Proceed *In Forma Pauperis* states that he earns between \$900 and \$1,500 per month, but he does not provide the name and address of his employer and the reason for the wide range in salary per month. See Plaintiff's Request to Proceed *in Forma Pauperis* at ¶1. The Court takes judicial notice that in a prior *in forma pauperis* request filed about two months ago, he stated that he was employed by the Department of Education at 65 Court Street in Brooklyn and that he earned \$1,400-1,800 per month. See *Williams v. City Univ. of New York*, 10-CV-783 (CBA).

Accordingly, I direct plaintiff to file an Amended Request to Proceed *In Forma Pauperis* within 10 days from the date of this order.

SO ORDERED:

/S/

LOIS BLOOM
United States Magistrate Judge

Dated: May 25, 2010
Brooklyn, New York

NOT FOR PUBLICATION

ORDER

10-CV-2127 (CBA) (LB)